UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/538
S/21817
25 September 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 43
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-fifth year

Letter dated 24 September 1990 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Further to my letter of 17 July 1990, circulated as document A/44/966-S/21398, I have the honour to submit, enclosed herewith, a letter addressed to you by His Excellency Mr. Özer Koray, Representative of the Turkish Republic of Northern Cyprus, in connection with the Greek Cypriot application for full membership in the European Community (see annex).

I would be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Mustafa AKSIN
Ambassador
Permanent Representative

ANNEX

Letter dated 24 September 1990 from Mr. Özer Koray
to the Secretary-General

I have the honour to attach herewith a supplementary note to the Turkish Cypriot memorandum of 12 July 1990 (which has been circulated as United Nations document A/44/966-S/21398) in relation to the Greek Cypriot "application" for membership of the European Communities.

(Signed) Özer KORAY
Representative of the
Turkish Republic of Northern Cyprus

APPENDIX

Supplementary note to the Turkish Cypriot memorandum of 12 July 1990 on the Greek Cypriot "application" for membership to the European Communities

1. It will be recalled that the Turkish Republic of Northern Cyprus had addressed on 12 July 1990 a memorandum to the Council of Ministers of the European Communities in respect of the Greek Cypriot "application" of 3 July 1990 for membership.

2. In paragraph 2 of that memorandum, it was pointed out "that there are still two separate communities in Cyprus, and a legal background which recognizes the separateness and political equality of these two communities". Furthermore, it was underlined in paragraph 15 of the said memorandum that the Greek Cypriot application for membership was not only a constitutional illegitimacy but also occasioned an international illegitimacy. In view of the fact that the bicommunal Republic of Cyprus came about as the result of international treaties, the question of international illegitimacy clearly arises.

3. An examination of the minutes of the preparatory meetings to the London Conference at the end of which the Zurich and London Agreements were signed on 19 February 1959 (which minutes were recently released by the British Government under its "30 year rule") will show that the parties concerned clearly had in mind the creation of a bicommunal partnership Republic of Cyprus in which the two constituent communities of that Republic, namely the Turkish Cypriot and the Greek Cypriot communities, were to be politically equal. Not only were all the documents, including Treaties and Exchange of Notes, signed by the Representatives of both the Turkish Cypriot and Greek Cypriot communities, but also the extracts given below from the minutes of the preparatory meetings leave no doubt as to the political equality of the two communities.

4. The minutes of the meeting held in London on 11 February 1959 clearly show that both the Foreign Ministers of Turkey and Greece, throughout the discussions, had considered it proper that the representatives of the two communities should participate at all the stages leading to the establishment of the partnership Republic. For example, paragraph 49 of the minutes shows that the then Foreign Minister of Greece, Mr. Averoff, rightly insisted "that it was indispensable that the conference should be between the three governments and representatives of the two communities".

5. A careful examination and analysis of the various legal documents establishing the joint Republic of Cyprus in 1960, and the recently disclosed minutes of the meetings and conferences leading thereto, can leave no doubt that the state of affairs created by the documents in question, including the international Treaties and the Constitution of the new Republic, is one of political equality and equal constituent status of the two communities or two peoples.

READEX FICHE

6. Furthermore, the above-mentioned minutes, also throw light on, and underline, some of the well-known and indisputable sui generis features of the 1960 Cyprus settlement:

(a) In the paragraph beginning at the foot of page 3 of the minutes of the meeting of 13 February 1959, and continuing on page 4, both Mr. Averoff and Mr. Zorlu stressed, inter alia, that Greece and Turkey, vis-à-vis Cyprus, were not to be "regarded as Colonial Powers but as the Cypriots' two mother countries".

(b) In the same paragraph, it is also stressed by the two Foreign Ministers that "the present settlement would be based not on the British Government granting a Constitution to the island but on their signing an international treaty under which they would recognize the existence of the new Cypriot State together with its Constitution. The position under international law was that the United Kingdom was agreeing with Greece and Turkey to guarantee an independent State of Cyprus and the maintenance of certain essential elements in its Constitution".

(c) In paragraph 26 of the minutes of 11 February 1959, Mr. Averoff, in reply to a question by the British Foreign Secretary, drew attention to a unique feature of the proposed settlement, by pointing out "that in theory the Republic of Cyprus would be free to conduct foreign policy, but in practice the mechanism of the veto would ensure that foreign policy was conducted only in agreement with Greece and Turkey. He described the new régime as a joint Greek-Turkish adventure".

7. The recently disclosed minutes of the meetings leading to the establishment of the Republic, also throw some very interesting light on the point made in paragraph 16 of the Turkish Cypriot memorandum of 12 July 1990. As pointed out in that paragraph, the clear wording of the second paragraph of Article I of the 1960 Treaty of Guarantee prohibits, inter alia, the participation of the Republic of Cyprus "in whole or in part, in any political or economic union with any state whatsoever".

8. The following extracts from the minutes of the preparatory meetings held in London positively identify that the parties to the 1960 settlement had definitely intended to exclude the possibility of the economic union of Cyprus with any other country and it is interesting to note that both Mr. Averoff and Mr. Zorlu stressed this point.

(a) In the last complete paragraph on page 4 of the minutes of the meeting held on 12 February 1959, it is recorded that "M. Averoff and M. Zorlu said that the maintenance of Commonwealth Preference would not be excluded. The intention was to exclude more favourable bilateral agreements between Cyprus and countries other than the Three Powers, and also to avoid the possibility of either Greece or Turkey securing a more favourable economic position in Cyprus than the other - of Greece, for example, establishing a kind of economic enosis".

It is noteworthy that this almost prophetic statement was made at a time when the European Communities, in their present form, were not yet in existence.

(b) In the first paragraph of page 2 of the minutes of the meeting held on 12 February 1959 "M. Zorlu and M. Averoff both made it clear that there would be no objection to Cypriot membership of international associations of which both Greece and Turkey were members; e.g. the Postal Union, and any Free Trade Area".

The well-intentioned desire expressed in paragraph 19 of the Turkish Cypriot memorandum as to future membership of the EC of a legally constituted State of Cyprus should be read in the light of this reference.

9. It should also be noted that paragraph 23 of the Zurich and London Agreements of 19 February 1959, provides that "The Republic of Cyprus shall accord most-favoured-nation treatment to Great Britain, Greece and Turkey for all agreements whatever their nature".

10. It will be seen, therefore, that the second paragraph of Article I of the 1960 Treaty of Guarantee, has been incorporated in that Treaty, in order to give effect to, and to meet the requirements of, the points referred to above. That is why the need had been felt to refer specifically in that Article to "economic union" as well as to "political union".

11. It is for this reason that in paragraph 15 of the Turkish Cypriot memorandum of 12 July 1990, emphasis was laid, not only on the "constitutional illegitimacy" of the Greek Cypriot application for full membership of the EC, but also on the indisputable fact that the Greek Cypriot application also "occasions an international illegitimacy", having regard to the international treaties which gave birth to the 1960 state of affairs, as further elucidated by the minutes of the meetings leading thereto.

3 September 1990

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/21818
25 September 1990
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 24 SEPTEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF MAURITANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Pursuant to my letter of 18 September 1990 (S/21789), I have the honour to transmit herewith a letter addressed to you by His Excellency Mr. Hasni Ould Didi, Minister for Foreign Affairs and Co-operation, concerning the economic and financial repercussions of the implementation of Security Council resolution 661 (1990) on the Islamic Republic of Mauritania.

I should be grateful if you would have this letter distributed to the members of the Security Council so that they may consider it in accordance with Article 50 of the Charter of the United Nations.

(Signed) Mohamedou OULD MOHAMED MAHMOUD
Permanent Representative

Annex

Letter dated 24 September 1990 from the Minister for Foreign Affairs and Co-operation of Mauritania addressed to the Secretary-General

Pursuant to my letter No. 1077 of 18 September 1990, by which I assured you of the determination of the Islamic Republic of Mauritania to comply with the provisions of Security Council resolution 661 (1990), I have the honour to set out below the problems which the Islamic Republic of Mauritania faces as a result of the implementation of that embargo, taking into account Mauritania's economic and financial relations with Iraq and Kuwait.

I. RELATIONS WITH IRAQ

1. While trade relations with Iraq were relatively insignificant, a $5 million contract was to have been carried out for the delivery of fish, exports of which would have amounted to $10 million.

2. In addition, Mauritania and Iraq were involved in joint ventures in the fishing industry (capital of $20 million) and the mining industry (capital of $70 million); the investment and export programmes for these ventures will be deferred, resulting in a loss of jobs and major funding.

3. Iraq was providing Mauritania with a subsidy and various forms of assistance equivalent to $100 million (training, technical assistance, medicines, agricultural equipment, school supplies, etc.).

4. Transfers from Mauritanian workers in Iraq amounted to $3 million.

The embargo against Iraq will thus cause Mauritania to suffer a loss the direct effects of which will cost $63 million, a figure that could reach $100 million if other effects on the economy are taken into account.

II. RELATIONS WITH KUWAIT

1. Traditionally, Kuwait has been one of the most important donors to Mauritania: current projects being financed by the Kuwaiti Fund for Arab Economic Development and projects for which Fund resources have been committed total $37.85 million and $49.1 million respectively. If the effect of the embargo on the Arab Fund for Economic and Social Development (AFESD), with headquarters in Kuwait, is also taken into consideration, these figures reach $125.7 million and $132.9 million respectively, or a total of $258.6 million, which accounts for 40 per cent of the country's total investment programme. Moreover, the Inter-Arab Investment Guarantee Corporation was to have underwritten a major programme for the renovation of Mauritania's fishing fleet costing nearly $50 million.

The drying up of this financial flow as a result of the embargo has an impact that goes far beyond mere numbers, since, in the final analysis, it is the development of Mauritania's very economy that is being sold short, particularly when one considers that such financing is often combined with financing from other sources. The halting of flows from Kuwait casts doubts on the availability of a significant portion of flows from other sources.

2. Kuwait also invested in Mauritania through joint ventures in real estate, the mining industry and processing industries; cutting off the influx of capital to joint ventures will stop their development programmes, eliminating even more jobs. Total unpaid capital stands at $16 million.

Moreover, the effect of the embargo on the increase in crude oil prices has already caused Mauritania's oil bill to rise by $15 million, and this will no doubt be followed by a rise in domestic prices and the price of imported goods.

3. Trade with Kuwait is relatively limited and involves primarily silver, gold and gems. Kuwaiti charity organizations provided assistance through official and unofficial channels totalling $5 million.

Losses sustained in 1990 as a result of the embargo against Kuwait will total $127 million as a result of direct effects and $329 million when other effects on the economy are taken into account.

- In conclusion, the consequences of implementing the embargo will be serious for a country as poor as Mauritania, which must also face the problem of desertification.

- Mauritania's development programme will be interrupted and all the adjustments the country has undertaken for nearly six years will be called into question.

- There will be a significant rise in unemployment as enterprises are closed and/or dozens of projects are halted.

- The disequilibrium in the balance of payments will grow more pronounced: net flows from Iraq and Kuwait were largely positive.

There is thus reason to fear that the programme to rehabilitate the Mauritanian economy cannot be carried out according to schedule unless special assistance to offset lost aid can be secured. It is for this reason that, in accordance with Article 50 of Chapter VII of the Charter of the United Nations, which stipulates that, "if preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems", the Government of the Islamic Republic of Mauritania deems it necessary to request the Security

Council to help it find solutions that will safeguard the economic and social interests of Mauritania.

(Signed) HASNI OULD DIDI
Minister for Foreign Affairs
and Co-operation

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NATIONS

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Security Council

Distr.
GENERAL

S/21819
16 November 1990

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE REPRESENTATIVE OF MALAYSIA ON THE SECURITY COUNCIL TO THE 2957TH MEETING, ON 16 NOVEMBER 1990

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 15 November 1990 from the Permanent Representative of Malaysia to the United Nations stating that Mr. Musa Hitam, Special Envoy of Malaysia, will represent Malaysia at the 2957th meeting of the Security Council, to be held on 16 November 1990.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

90-31107 1963h (E)

UNITED
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Security Council

Distr.
GENERAL

S/21820
26 September 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 26 SEPTEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF HONDURAS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to write to you regarding the situation in the Middle East in the wake of the invasion of Kuwaiti territory by armed Iraqi forces.

In a note dated 14 August 1990, the Minister for Foreign Affairs of Honduras, Mr. Mario Carías Zapata, conveyed to you the willingness of the Government of Honduras to collaborate with the international peace-keeping force that the Security Council may decide to establish in order to end this situation. On instructions from my Government, I should like at this time to request that that communication be circulated as a document of the Security Council.

(Signed) Roberto FLORES BERMUDEZ
Ambassador
Permanent Representative

Annex

Letter dated 14 August 1990 from the Minister for Foreign Affairs of Honduras addressed to the Secretary-General

I have the honour to write to you regarding the current crisis in the Middle East.

The Government of Honduras views the occupation of Kuwaiti territory by armed Iraqi forces with deep concern. This act constitutes a flagrant violation of the fundamental principles of international law and the specific norms enshrined in the Charter of the United Nations.

My Government believes that actions of this type must be strongly penalized by the international community, not only because of the unfortunate precedent they would set if left unpunished but also because of the threat they pose to the stability and survival of the United Nations system.

We are aware of the differences that exist between individual States in so far as military strength, economic capacity and strategic situation are concerned. Nevertheless, we believe that when the circumstances so warrant, we are all obliged to co-operate, according to our capabilities, in defending the principles and purposes which underlie our Organization.

In this connection, I am happy to state, Sir, that the Government of Honduras is fully prepared to participate, even in a modest way, in any international peace-keeping force which the United Nations Security Council might decide to establish in order to solve the Middle East crisis.

In offering my sincere hope that the difficult situation created by Iraq will not disturb peace in the region through general armed hostilities, I take this occasion to convey to you the renewed assurances of my highest consideration.

(Signed) Mario CARIAS ZAPATA
Minister for Foreign Affairs

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/21821
26 September 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 25 SEPTEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF VIET NAM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Socialist Republic of Viet Nam presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his notes SCPC/7/90 (1-2) of 8 August 1990 and of 27 August 1990 concerning the implementation of Security Council resolution 661 (1990), adopted by the Council at its meeting on 6 August 1990.

In this regard, the Permanent Representative wishes to forward herewith a message addressed to the Secretary-General of the United Nations by H.E. Mr. NGUYEN CO THACH, Minister for Foreign Affairs of Viet Nam.

Annex

Message dated 25 September 1990 from the Minister for Foreign Affairs of Viet Nam addressed to the Secretary-General

On behalf of the Socialist Republic of Viet Nam, I have the honour to submit to Your Excellency the following request.

As a State Member of the United Nations, the Socialist Republic of Viet Nam complies with Security Council resolution 661 (1990) adopted by the Council on 6 August 1990, as has been conveyed by our note verbale (S/21696) dated 31 August 1990. Viet Nam's economic poverty is at present compounded by new difficulties arising from the implementation of this resolution. Owing to the prolongation of the Gulf crisis, the lives of over 16,000 Vietnamese nationals in Iraq are being seriously endangered by shortages of food and medicine while Viet Nam does not have the means and resources to provide them with relief assistance and to repatriate them.

In view of the above-mentioned situation and out of humanitarian concern, the Government of the Socialist Republic of Viet Nam deems it urgently necessary to consult without delay with the Security Council and the Security Council Committee established by resolution 661 (1990) as provided for by Article 50 of the Charter of the United Nations, with the aim of securing from the United Nations and other international organizations emergency relief to the aforesaid nationals as well as financial assistance and means for their repatriation.

The Government of the Socialist Republic of Viet Nam wishes to express its deep appreciation and sincere gratitude to the United Nations Security Council, the Committee established by Security Council resolution 661 (1990), the Secretary-General of the United Nations and other international organizations for their timely assistance.

(Signed) NGUYEN CO THACH
Minister of Foreign Affairs
Socialist Republic of Viet Nam

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Security Council

Distr.
GENERAL

S/21822
27 September 1990

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 598 (1987) of 20 July 1987, 619 (1988) of 9 August 1988, 631 (1989) of 8 February 1989, 642 (1989) of 29 September 1989 and 651 (1990) of 29 March 1990,

Having considered the report of the Secretary-General on the United Nations Iran-Iraq Military Observer Group of 21 September 1990, 1/ and taking note of the observations expressed therein,

1. Decides to extend the mandate of the United Nations Iran-Iraq Military Observer Group for a further period of two months, that is, until 30 November 1990, as recommended by the Secretary-General;

2. Requests the Secretary-General to submit, during November, a report on his further consultations with the parties about the future of the United Nations Iran-Iraq Military Observer Group, together with his recommendations on this matter.

1/ S/21803.

90-24207 2449Z (E)

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/543
S/21823
10 October 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL
ORGANS: ELECTION OF FIVE MEMBERS OF
THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Forty-fifth year

Memorandum by the Secretary-General

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III.	PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL	4 - 18	3

I. INTRODUCTION

1. On 5 February 1991, the terms of office of the following five members of the International Court of Justice will expire:

Mr. J. M. Ruda (Argentina)

Mr. K. Mbaye (Senegal)

Sir Robert Jennings (United Kingdom of Great Britain and Northern Ireland)

Mr. G. Guillaume (France)

Mr. R. S. Pathak (India)

It is therefore necessary for the General Assembly and the Security Council, during the forty-fifth session of the Assembly, to elect five judges for a term of office of nine years, beginning on 6 February 1991.

2. The Secretary-General requested nominations from the national groups of States parties to the Statute of the Court by 15 August 1990. The nominations received by that date and the curriculà vitae of the candidates are contained in separate documents submitted to the General Assembly and to the Security Council (A/45/544 and A/45/545). Furthermore, the list of candidates will appear on the ballot papers distributed during the elections. The object of this memorandum is to set out the present composition of the International Court of Justice and to describe the procedure in the Assembly and the Security Council with regard to the election.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

3. The present composition of the International Court of Justice is as follows:

President: José María Ruda (Argentina)*

Vice-President: Kéba Mbaye (Senegal)*

Judges: Manfred Lachs (Poland)**
Taslim Olawale Elias (Nigeria)**
Shigeru Oda (Japan)**
Roberto Ago (Italy)***
Stephen M. Schwebel (United States of America)***
Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)*
Mohammed Bedjaoui (Algeria)***
Ni Zhengyu (China)**
Jens Evensen (Norway)**
Nikolai K. Tarassov (Union of Soviet Socialist Republics)***
Gilbert Guillaume (France)*

Mohamed Shahabuddeen (Guyana)***
Raghunandan Swarup Pathak (India)*

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* Term of office expires on 5 February 1991.

** Term of office expires on 5 February 1994.

*** Term of office expires on 5 February 1997.

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

4. The election will take place in accordance with the following:

(a) The Statute of the Court, in particular Articles 2 to 4 and 7 to 12;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

5. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru, San Marino and Switzerland, which are parties to the Statute of the Court but not Members of the United Nations, will participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

6. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect five members of the Court (Article 8 of the Statute).

7. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

8. Those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Article 10, paragraph 1, of the Statute).

9. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they

vote. The electors in the General Assembly are all the Member States, together with the three non-member States mentioned in paragraph 5 above which are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, eighty-two (82) votes constitute an absolute majority in the Assembly for the purpose of the Court election.

10. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Article 10, paragraph 2, of the Statute).

11. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each elector may vote for not more than five candidates on the first ballot, and on subsequent ballots, if any, for five less the number of candidates who have already obtained absolute majorities.

12. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. This rule lays down a procedure for restricted ballots in the event that after the first ballot the requisite number of candidates have not obtained the required majority. By 47 votes to 27, with 25 abstentions, the Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. This decision has been followed consistently.

13. If in the first ballot, in either the General Assembly or the Security Council, the number of candidates obtaining an absolute majority is less than five, a second ballot will be held and balloting will continue in the same meeting until five candidates have obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

14. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

15. Only when five candidates have obtained the required majority in one of the organs will the President of that organ notify the President of the other organ of the names of the five candidates. The President of the latter should not communicate such names to the members of that organ until that organ has itself given five candidates the required majority of votes.

16. If, upon comparison of the respective lists of names that have obtained an absolute majority in the General Assembly and in the Security Council, fewer than

five candidates have been thus elected pursuant to paragraph 8 above, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect candidates by further ballots for seats remaining vacant (Article 11 of the Statute), the results again being compared after the required number of candidates have obtained an absolute majority in each organ.

17. If, however, after the third meeting, one or more seats still remain unfilled, the General Assembly and the Security Council may at any time, at the request of either organ, form a joint conference consisting of six members, three appointed by each organ. This joint conference may, by an absolute majority, agree upon one name for each seat still vacant and submit the name or names for the respective acceptance of the Assembly and the Council. If the joint conference is unanimously agreed, it may submit the name of a person not included in the list of nominations, provided that that candidate fulfils the required conditions (Article 12, paragraph 2, of the Statute).

18. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected will, within a period to be fixed by the Security Council, proceed to fill the vacant seat or seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council. In the event of an equality of votes among the judges, the eldest judge will have a casting vote (Article 12, paragraphs 3 and 4, of the Statute).

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/544
S/21824
26 September 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN
PRINCIPAL ORGANS: ELECTION OF
FIVE MEMBERS OF THE INTERNATIONAL
COURT OF JUSTICE

SECURITY COUNCIL
Forty-fifth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 15 January 1990, addressed on behalf of the Secretary-General to States parties to the Statute of the International Court of Justice, attention was drawn to the fact that the terms of office of the following five members of the International Court of Justice will expire on 5 February 1991:

Mr. J. M. Ruda (Argentina)

Mr. K. Mbaye (Senegal)

Sir Robert Jennings (United Kingdom of Great Britain and Northern Ireland)

Mr. G. Guillaume (France)

Mr. R. S. Pathak (India)

2. In conformity with Articles 4 and 13 of the Statute of the Court, the General Assembly and the Security Council, during the forty-fifth regular session of the General Assembly, will elect five judges for a period of nine years, beginning on 6 February 1991. In accordance with paragraph 1 of Article 5 of the Statute of the Court, national groups were thus invited to undertake the nomination of persons in a position to accept the duties of a member of the Court and to submit such nomination to the Secretary-General no later than 15 August 1990.

3. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council a list in alphabetical order of the candidates thus nominated (see annex).

4. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council will be set out in a memorandum by the Secretary-General, as document A/45/543-S/21823. The curricula vitae of the candidates will appear in document A/45/545-S/21825.

ANNEX

List of candidates nominated by national groups

Name and nationality	Nominated by the national group of
Aguilar Mawdsley, Andrés (Venezuela)	Austria Belgium Canada Colombia Denmark Dominican Republic Greece Finland Ireland Jamaica Luxembourg Mexico Netherlands Spain Switzerland United Kingdom of Great Britain and Northern Ireland United States of America Vanuatu Venezuela
Amega, Atsu-Koffi (Togo)	Togo
Asante, Samuel K. B. (Ghana)	Federal Republic of Germany Ghana Ireland
Gross Espiell, Hector (Uruguay)	Colombia Federal Republic of Germany Philippines Senegal Uruguay
Guillaume, Gilbert (France)	Algeria Australia Austria Belgium Bulgaria Canada Czechoslovakia Denmark Dominican Republic

/...

Name and nationality	Nominated by the national group of
	Federal Republic of Germany
	Finland
	France
	Greece
	Italy
	Luxembourg
	Netherlands
	Senegal
	Spain
	Sweden
	Switzerland
	United Kingdom of Great Britain and Northern Ireland
	United States of America
	Uruguay
Jennings, Sir Robert Yewdall (United Kingdom of Great Britain and Northern Ireland)	Australia
	Austria
	Belgium
	Canada
	Czechoslovakia
	Denmark
	Dominican Republic
	Finland
	France
	Federal Republic of Germany
	Greece
	Italy
	Jamaica
	Luxembourg
	Mexico
	Netherlands
	New Zealand
	Spain
	Sweden
	Switzerland
	Turkey
	United Kingdom of Great Britain and Northern Ireland
	Uruguay
	United States of America
	Venezuela
Mudawi, Mohamed Yousif (Sudan)	Sudan
	Mexico

Name and nationality	Nominated by the national group of
Patel, Dorab (Pakistan)	Belgium Denmark Finland Nepal Senegal Sweden Turkey United Kingdom of Great Britain and Northern Ireland United States of America
Pathak, Raghunandan Swarup (India)	Ireland
Ranjeva, Raymond (Madagascar)	Canada France Madagascar
Razafindralambo, Edilbert (Madagascar)	Greece Luxembourg Switzerland
Sucharitkul, Sompong (Thailand)	Netherlands
Sy, Seydou Madani (Senegal)	France Senegal Thailand
Syquia, Enrique P. (Philippines)	Dominican Republic Mexico Philippines Thailand Uruguay
Weeramantry, Christopher Gregory (Sri Lanka)	New Zealand Sri Lanka

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General Assembly Security Council Distr.
GENERAL

A/45/544/Add.1
S/21824/Add.1
29 October 1990
ENGLISH
ORIGINAL: ENGLISH/SPANISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Forty-fifth year

List of candidates nominated by national groups

Note by the Secretary-General

Addendum

1. Further to his note of 26 September 1990 (A/45/544-S/21824), which contained the names of the candidates nominated by national groups received by him prior to 15 August 1990, the Secretary-General has subsequently received the following additional nominations submitted by national groups:

Name and nationality	Nominated by the national group of
Aguilar Mawdsley, Andrés (Venezuela)	Italy (28 September 1990) Liechtenstein (28 September 1990) Madagascar (16 October 1990)
Gros Espiell, Hector* (Uruguay)	Paraguay (16 October 1990)

* See also para. 3 below.

Names and nationality	Nominated by the national group of
Guillaume, Gilbert (France)	Colombia (18 October 1990) Hungary (5 October 1990) Liechtenstein (28 September 1990) Madagascar (16 October 1990)
Jennings, Sir Robert Yewdall (United Kingdom of Great Britain and Northern Ireland)	Colombia (8 October 1990) Hungary (5 October 1990) Liechtenstein (28 September 1990)
Razafindralambo, Edilbert (Madagascar)	Liechtenstein (28 September 1990)
Syquia, Enrique (Philippines)	Vanuatu (31 August 1990)
Weeramantry, Christopher Gregory (Sri Lanka)	Papua New Guinea (17 October 1990)

2. The Secretary-General received a note verbale, dated 1 October 1990, from the Permanent Mission of Turkey to the United Nations, which read, in part, as follows:

> "... has the honour to inform that the Turkish National Group ... is ... withdrawing the candidature of Justice Dorab Patel for the above-mentioned election".

3. The Secretary-General also received a letter, dated 23 October 1990, from the Permanent Mission of Uruguay, which read, in part, as follows:

> "I have the honour to inform the Secretary-General that Dr. Hector Gros Espiell, Minister for Foreign Affairs of Uruguay, has decided to withdraw his candidature for election to the International Court of Justice."

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General Assembly Security Council

Distr.
GENERAL

A/45/544/Add.2
S/21824/Add.2
12 November 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Forty-fifth year

List of candidates nominated by national groups

Note by the Secretary-General

Addendum

1. Further to his note of 26 September 1990 (A/45/544-S/21824), which contained the names of the candidates nominated by national groups received by the Secretary-General prior to 15 August 1990, and to the addendum to that note, which contained additional nominations submitted by national groups received by him after that date, the Secretary-General has received the following additional nominations submitted by national groups:

Name and nationality	Nominated by the national group of
Aguilar Mawdsley, Andrés (Venezuela)	Brazil (5 November 1990) Chile (8 November 1990)
Guillaume, Gilbert (France)	Chile (8 November 1990) Turkey (31 October 1990)
Jennings, Sir Robert Yewdall (United Kingdom of Great Britain and Northern Ireland)	Chile (8 November 1990)
Syquia, Enrique P. (Philippines)	Chile (8 November 1990)

2. The Secretary-General received a letter dated 9 November 1990 from His Excellency, Mr. R. S. Pathak, which reads, in part, as follows:

> "... I have decided not to stand as a candidate at the said election ... I take this opportunity of conveying my decision to withdraw forthwith from the election to the vacancies arising in the International Court of Justice on 6 February 1991 and request that my name be removed from the aforesaid list of candidates ..."

3. On 12 November, the Secretary-General received a letter, of the same date, from the Permanent Representative of the Sudan to the United Nations, informing him, inter alia, that:

> "... Mr. Mohamed Yousif Mudawi has decided to withdraw his candidature for election to the membership of the International Court of Justice ...".

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General Assembly Security Council

Distr.
GENERAL

A/45/544/Rev.1
S/21824/Rev.1
12 November 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN
PRINCIPAL ORGANS: ELECTION OF
FIVE MEMBERS OF THE INTERNATIONAL
COURT OF JUSTICE

SECURITY COUNCIL
Forty-fifth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 15 January 1990, addressed on behalf of the Secretary-General to States parties to the Statute of the International Court of Justice, attention was drawn to the fact that the terms of office of the following five members of the International Court of Justice will expire on 5 February 1991:

Mr. J. M. Ruda (Argentina)

Mr. K. Mbaye (Senegal)

Sir Robert Jennings (United Kingdom of Great Britain and Northern Ireland)

Mr. G. Guillaume (France)

Mr. R. S. Pathak (India)

2. In conformity with Articles 4 and 13 of the Statute of the Court, the General Assembly and the Security Council, during the forty-fifth regular session of the General Assembly, will elect five judges for a period of nine years, beginning on 6 February 1991. In accordance with paragraph 1 of Article 5 of the Statute of the Court, national groups were thus invited to undertake the nomination of persons in a position to accept the duties of a member of the Court and to submit such nomination to the Secretary-General no later than 15 August 1990.

3. In accordance with Article 7 of the Statute of the Court, the Secretary-General submitted on 26 September 1990 to the General Assembly and to the Security Council a list, in alphabetical order, of the candidates thus nominated (A/45/544-S/21824).

4. On 29 October 1990, the Secretary-General further submitted to the General Assembly and to the Security Council additional nominations made by national groups received by him after the deadline of 15 August 1990 (A/45/544/Add.1-S/21824/Add.1).

5. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council was set out in a memorandum by the Secretary-General (A/45/543-S/21823). The curricula vitae of the candidates appeared in document A/45/545-S/21825.

6. At its 37th plenary meeting, held on 7 November 1990, the President drew the attention of the General Assembly to the documents relating to the election mentioned above. He announced that additional notifications of nominations from national groups had been received by the Secretary-General and that a further addendum to document A/45/544-S/21824 would be issued. Upon the proposal of the President, the General Assembly decided to request the Secretariat to issue a consolidated and updated list (see annex) of candidates reflecting all the information received since the issuance of the original text, thus facilitating the election for all representatives. Pursuant to that decision, the present document has been prepared.

ANNEX

List of candidates nominated by national groups

Name and nationality	Nominated by the national group of
Aguilar Mawdsley, Andrés (Venezuela)	Austria Belgium Brazil Canada Chile Colombia Denmark Dominican Republic Greece Finland Ireland Italy Jamaica Liechtenstein Luxembourg Madagascar Mexico Netherlands Spain Switzerland United Kingdom of Great Britain and Northern Ireland United States of America Vanuatu Venezuela
Amega, Atsu-Koffi (Togo)	Togo
Asante, Samuel K. B. (Ghana)	Federal Republic of Germany Ghana Ireland
Guillaume, Gilbert (France)	Algeria Australia Austria Belgium Bulgaria Canada Chile Colombia Czechoslovakia Denmark

Name and nationality	Nominated by the national group of
	Dominican Republic
	Federal Republic of Germany
	Finland
	France
	Greece
	Hungary
	Italy
	Liechtenstein
	Luxembourg
	Madagascar
	Netherlands
	Senegal
	Spain
	Sweden
	Switzerland
	Turkey
	United Kingdom of Great Britain and Northern Ireland
	United States of America
	Uruguay
Jennings, Sir Robert Yewdall (United Kingdom of Great Britain and Northern Ireland)	Australia
	Austria
	Belgium
	Canada
	Chile
	Colombia
	Czechoslovakia
	Denmark
	Dominican Republic
	Finland
	France
	Federal Republic of Germany
	Greece
	Hungary
	Italy
	Jamaica
	Liechtenstein
	Luxembourg
	Mexico
	Netherlands
	New Zealand
	Spain
	Sweden
	Switzerland
	Turkey
	United Kingdom of Great Britain and Northern Ireland

Name and nationality	Nominated by the national group of
	Uruguay United States of America Venezuela
Patel, Dorab (Pakistan)	Belgium Denmark Finland Nepal Senegal Sweden United Kingdom of Great Britain and Northern Ireland United States of America
Ranjeva, Raymond (Madagascar)	Canada France Madagascar
Razafindralambo, Edilbert (Madagascar)	Greece Liechtenstein Luxembourg Switzerland
Sucharitkul, Sompong (Thailand)	Netherlands
Sy, Seydou Madani (Senegal)	France Senegal Thailand
Syquia, Enrique P. (Philippines)	Chile Dominican Republic Mexico Philippines Thailand Uruguay Vanuatu
Weeramantry, Christopher Gregory (Sri Lanka)	New Zealand Papua New Guinea Sri Lanka

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